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## SUBSTANCE OF THE SPEECH,

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I RISE, Sir, in pursuance of the notice I gave some days ago, to call the attention of the House to the extraordinary statement contained in the Petition of Mr. John Pritchard, a settler on the Red River in British North America; \* and it is my intention to conclude the observations I have to make, by moving for the production of certain papers, calculated not only to throw light on these strange proceedings, but also to prevent the repetition of them. Although this Petition is signed only by a single individual, it may be considered as subscribed to by the whole Colony at Red River, for, I can assure the House, that I have in my possession two Petitions to the same purpose, and which are signed by seventy-seven of the settlers. These Petitions, however, I cannot regularly present to the House, on account of their deficiency

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\* See the Petition—page 41.

in point of form. But even if there had been no Petition at all on the subject, my near connection with Lord Selkirk, who is the founder and supporter of that Colony, would have induced me to make the present Motion, although I should have had no other information on the subject than what has been furnished, for some time past, by the common prints of the day.

In bringing forward this case, it is not my intention to enter at all into the disputes which have long subsisted between the Hudson's Bay Company on the one hand, and that class of Canadian fur traders, on the other, who are usually known by the name of the North-West Company of Montreal. I am well aware that these parties mutually accuse each other of crimes and violent aggression.—I wish to separate the Colony from them both. They have separate objects, and separate interests in view. So far from the Red River colonists interfering with the fur trade, it has been made a special condition of their grants, that they shall not meddle, in any degree, with that trade; and, if they do, an absolute forfeiture of their lands is the consequence.

It is the more necessary for me to make this observation, because I know it has been stated,—and the statement has been most industriously circulated,—that colonization on Red River is not the real object;—that the situation is so remote—the soil so sterile—and the climate so severe, as to render it altogether unfit for the habitation of man; that

agriculture and cultivation therefore are not the real, but the pretended, objects in view, and that the whole is a mere device, on the part of the Hudson's Bay Company, to create a force in the interior, by which they may carry on more successfully their aggressions upon their rivals in the fur trade.— Nothing can be more unjust, and unfounded than such statement. I maintain,—not upon the authority of Lord Selkirk alone, but of others perfectly competent to judge,—that no part of the British dominions in that quarter of the world possesses so many natural advantages, or is so well calculated for maintaining a numerous and a powerful colony. Upon this point I beg leave to mention a fact, not generally known, which ought to do away every insinuation of that kind. The fact I allude to is this; Lord Selkirk, in the year 1802, being well acquainted with the natural advantages of the soil on the Red River, recommended it to Government as a fit place for the establishment of a colony, to which the superabundant, and, at that time, discontented, population of Ireland, and the Highlands of Scotland, might be directed, with great advantage to the mother country. For this purpose he addressed a letter and memorial to Lord Pelham, then Secretary of State for the Home Department, by whom he was referred to Lord Buckinghamshire, the Secretary of State for the Colonies. The memorial detailed the practicability and advantages of the measure, and strongly urged its adoption. Unfortunately for the country it was not adopted.—The cause of this,

however, was not from any idea of the place being unfit for the establishment of a colony, but solely from the consideration,—as his Lordship informed Lord Selkirk,—that the prejudices of the country were then so strong against emigration, that Government did not think it prudent to adopt a measure which might seem to encourage it. The letter, with the memorial, I have no doubt, will be found in the Colonial Office; it is dated the 4th April, 1802—eight years at least before Lord Selkirk had the slightest idea of applying to the Hudson's Bay Company for a grant of land within their territory.—I trust that this statement will effectually do away the insinuations alluded to, which have been circulated so much to Lord Selkirk's prejudice, on the subject of his Colony at Red River.

It is necessary here to mention, that in the year 1670, a Royal Charter of Incorporation was granted, by Charles the Second, under the Great Seal, to a number of noblemen and gentlemen, to enable them to carry on a trade and commerce in the seas and waters within the streights of Hudson's Bay, in North America; and also conveying to them, and their successors, an extensive tract of territory, together with a jurisdiction therein, and a power of appointing officers to make that jurisdiction effectual. This chartered body has ever since been known by the name of the Hudson's Bay Company. In the course of time the animals bearing valuable furs (which formed the important part of their trade) having become nearly extinct throughout a large

portion of the territory thus granted, it occurred that a part of it might be more advantageously employed if colonized, and brought into cultivation. —I have no difficulty in admitting, because I believe it to be true, that this plan originated with Lord Selkirk. It had long been a favourite idea with him. The project was approved and adopted by the directors and proprietors ; —but instead of undertaking this scheme themselves, with their very limited means of carrying it through, they thought the experiment had the best chance of succeeding, if conducted by an individual whose circumstances, they conceived, might enable him effectually to promote it, and who had a strong interest in its success. For that purpose the Company granted to Lord Selkirk, (who by that time held a large share of their stock,) a portion of their territory upon certain conditions,—one of which was, that the colonists should not interfere in any manner with the fur trade.

As this undertaking was likely to be attended with much expense, as well as trouble, Lord Selkirk was unwilling to commence it until he was fully satisfied as to the validity of the grant of territory ; and that the promise he held out of protection for the colonists, under the jurisdiction of the Company's Charter, would be available to them. For this purpose he laid the Charter of the Hudson's Bay Company before several of the most eminent lawyers in England—selected from the different bars—and when I state that he received, on this subject, the favourable and unanimous opinions of Sir Samuel Romilly, Mr. (now Mr.



Justice) Holroyd, Mr. Cruise, Mr. Scarlett, and Mr. Bell, I am sure the House will think his Lordship was well entitled to suppose he was proceeding on a sure, and substantial foundation.

But, notwithstanding this, he did not begin his operations till he had explained his views to the Earl of Liverpool—who was at the head of the Government; to Earl Bathurst,—the Secretary for the Colonial Department; and to the late Mr. Rose—then at the head of the Board for affairs of Trade and Foreign Plantations. From none of these respectable persons was there given the slightest hint of disapprobation; and if his Lordship had ever suspected they were unfriendly to his scheme, the conduct of the Colonial Department, in 1813, was calculated to remove the impression: for in that year, Lord Selkirk, upon the recommendation of that Department, received from Government several field-pieces, and two hundred stand of arms, to protect the Red River colony, the establishment of which had begun the year before—against any attacks which might be instigated against it in consequence of the rupture with the United States.

That the Red River Colony, from its commencement, has been viewed by the North-West Company, with extreme jealousy, will not be denied. This is admitted in all their publications,—and, as the Colony advanced, their expressions of jealousy were changed to an avowal that they would resist, by force, the right of property and jurisdiction founded on the

Royal Charter granted to the Hudson's Bay Company.

At first their opposition consisted in the publication of letters in the provincial newspapers, under the signature of distressed emigrants, and starving Highlanders : but these miserable productions totally failed in their intended effect.

The next expedient which the North-West Company fell upon to prevent the growth of the Colony, was to circulate reports that the Native Indians were extremely dissatisfied,—that they would not submit to the loss of their hunting grounds,—and that they would massacre the colonists. These reports soon ceased to have any effect, for, in truth, the Indians in that neighbourhood, were pleased at the formation of the Colony,—have always proved the attached friends of the colonists,—and many of them have shewn a disposition to settle in the neighbourhood, and imitate the agricultural pursuits of the settlers.—I know it has been stated, that the North-West Company actually endeavoured to stir up the Indians to destroy the Colony :—whether this be true or no I cannot say, but it certainly appears, from the declaration of an Indian Chief, named Katawabity, that he had been applied to by some of the partners of that Company to destroy the Settlement in 1815. He was examined, in July 1816, at Drummond's Island before Colonel Maul, the Commander of the Garrison at that place, and the officers of the department for Indian affairs in Canada, before whom he solemnly gave

the above information. But these attempts, if true, had no influence upon the peaceable native tribes near the Red River.

The North-West Company, in the next place, had recourse to the assistance of a different race of beings, — the half-breed Indians, or, as they are usually called, Metifs, or Bois-brulés. These are for the most part the illegitimate offspring of the wintering partners, clerks, and servants of the North-West Company, by Indian women. Several of them have received a good education at Montreal, and have become clerks to the Company, while the others serve them as hunters, interpreters, and servants in the interior. A considerable number of these men were collected from the different trading posts, situated at great distances from each other, and, — aided by some of the settlers whom the North-West Company had seduced, and bribed to desert, — they attacked the Colony, fired at, and wounded, several of the colonists, and compelled them to leave the place. They seized the arms and stores, and burned the houses at the Settlement, in order to prevent its re-establishment. The settlers, thus driven off, removed, for a while, to the further extremity of Lake Winnipic, under the protection of the faithful Indians, where they remained till the half-breeds had dispersed. They then returned to the Red River, and, being joined by other settlers from Scotland, succeeded, in the course of the autumn, in re-establishing themselves at the Settlement.

Finding that the destruction of the Settlement in

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Reserve

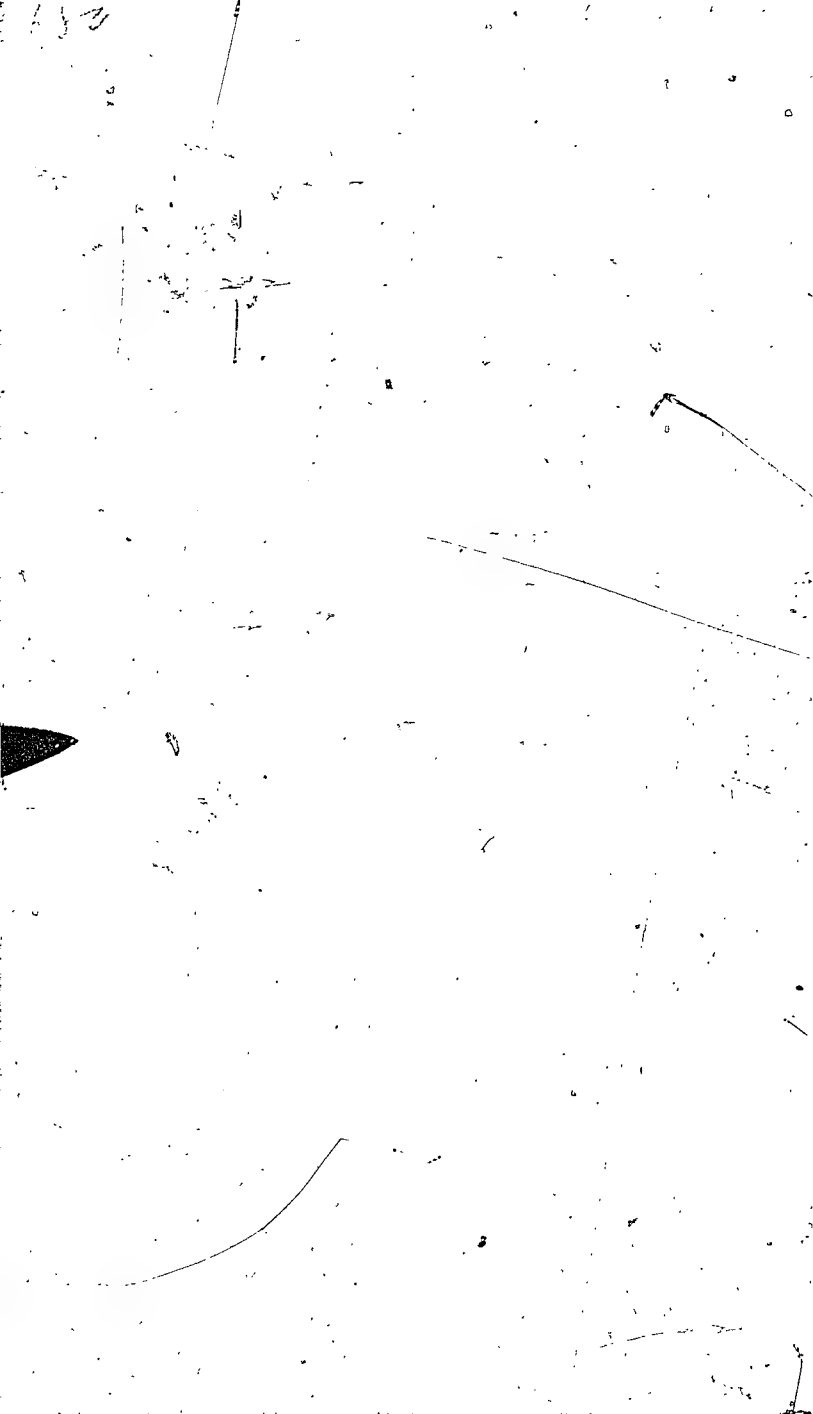
THE SUBSTANCE

OF

The Speech

OF

SIR JAMES MONTGOMERY, BART.



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SUBSTANCE

Reserve

OF

THE SPEECH

OF

SIR JAMES MONTGOMERY, BART.

IN THE HOUSE OF COMMONS,

On the 24th of June, 1819,

ON BRINGING FORWARD HIS MOTION RELATIVE TO

101031

The Petition

OF

MR. JOHN PRITCHARD,

OF

THE RED RIVER SETTLEMENT.

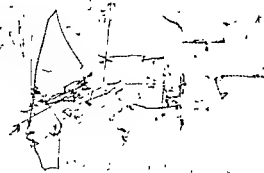
LONDON:

PRINTED BY J. BRETTILL, RUPERT STREET, HAYMARKET.

1819.

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1815 had not the desired effect, it was determined by the North-West Company, to make a more signal example of these colonists in the following year. For this purpose, a still greater number of the half-breeds were brought from various distant quarters, — and the attack was made upon the 19th of June, 1816. Cuthbert Grant, a half-breed clerk of the North-West Company, commanded the advanced party. He is the same person who was so active in attacking and destroying the Colony in the preceding year. As they advanced, they made prisoners of such of the settlers as they met, in order to prevent them giving intelligence of their approach. But it could not be concealed, as the terrified colonists ran to the fort, or store-house of the Settlement, for protection. Mr. Semple, — who had lately gone out as Governor of the Hudson's Bay territory, — proceeded with between twenty and thirty armed men from the fort, to inquire the meaning of these proceedings. Unfortunately he advanced too far from the fort, not being aware of the strength of Grant's party, many of whom had been concealed by a wood. About seventy of these men, mounted on horseback, immediately surrounded Mr. Semple and those who accompanied him, and prevented their retreat. They then attacked them with fire-arms, and, in a few minutes, Mr. Semple and twenty-one other persons were destroyed — quarter being given to no one, except to the Petitioner. It would appear that few of them were at first mortally wounded, but, while begging for mercy, they were dispatched by the knife and the hatchet in a manner



too horrid to be related.—It is not my intention to give any colouring to this picture, or to describe the reception and rewards which this party received from their masters upon the occasion ; but I must characterise the whole proceeding as a foul and premeditated murder,—planned by the partners,—and executed by the clerks, and servants, of the North-West Company.

It is truly painful to me to express myself thus of persons who are not present to answer for themselves,—and the more so, as I have no motion to make against these parties, nor do I wish the House to record its disapprobation of their conduct. But the statement I have made is a necessary part of my case. I am about to move for papers, for the purpose of criminating the Government here, and in America ; and I cannot do so with any hopes of success, but by making out a *prima facie* case of blame on their part, which cannot be done unless I state the transactions at Red River in their true colour. For if it could be supposed that the death of Mr. Semple and his party was owing to accident,—to a mere casual rencontre with the half-breeds, not likely to occur again,—although even in that case, judicial inquiry would have been proper,—yet it is clear that the proceedings might then have been very different from what ought to be called for, where the melancholy death of so many persons appears to be the result of premeditation, and of a determination, on the part of the North-West Company, that colonization shall not be permitted to exist in that quarter of the British Empire.

It is not upon the evidence of Mr. Pritchard the petitioner alone that I make this statement;—I believe that gentleman to be highly deserving of credit, but I assure the House I would not upon the single testimony of any gentleman, however respectable, make so serious a charge.—There are, I understand, other witnesses in London, who are able and willing to attest to the truth of this part of Mr. Pritchard's Petition:—but, what is of more consequence, there are letters, under the hands of some of the partners of the North-West Company, which place this matter beyond a doubt; and I beg leave to read to the House a few extracts from some of these documents.

I may go back, for this purpose, to the commencement of the Colony. Upon the 9th of April, 1812, Mr. Simon M'Gillivray, one of the partners and agents, addresses a letter from London to “the wintering partners of the North-West Company Fort William,” in which, among other information and directions, he expresses himself thus:—“The Committee of the Hudson's Bay Company is at present a mere machine in the hands of Lord Selkirk, who appears to be so much wedded to his schemes of colonization in the interior of North America, that it will require some time, and, I fear, cause much expense to us, as well as to himself, before he is driven to abandon the project, and yet, *he must be driven to abandon it*; for his success would strike at the very existence of our trade.—By the Inverness newspapers (of which I fancy

“ some files will find their way to Fort William) you  
 “ will see that I have given his Lordship some an-  
 “ noyance through the medium of the press, and I  
 “ have reason to hope that the ‘ *Highlander’s Let-*  
 “ ‘ *ters*’ will in a great measure prevent him from  
 “ getting servants or emigrants from the Highlands  
 “ of Scotland.” — If this gentleman and his partners  
 had confined themselves to the miserable attacks on  
 the Colony that appeared in the newspapers, the House  
 would never have been troubled with this subject :—  
 These, like all other schemes founded on fraud and  
 falsehood, failed of their intended effect. So far from  
 the Highlanders being deterred from going out to  
 the Colony, the chief difficulty Lord Selkirk had, was  
 to repress their ardour to repair thither, until such  
 time as the first settlers should have cultivated a suf-  
 ficient quantity of land to insure an abundant supply  
 for those who should follow.

But, to come nearer to the period of which I have  
 been speaking, I beg to read a passage from a letter  
 written by another person (of the same name) a clerk  
 of the Company, and which was addressed to a Mr.  
 Archibald M’Gillivray. This letter is dated Bas  
 de la Rivière (Winnipic,) July the 2d, 1815,—a very  
 short time after the first destruction of the Settlement.  
 “ Dear Archy. Every thing is in a bustle here at this  
 “ present moment, and every preparation has been  
 “ made to be off to-day—but cannot till to-morrow.  
 “ I am happy to inform you that the Colony has been  
 “ all knocked on the head by the North-West Com-  
 “ pany.” This short account requires no comment.

It leaves no doubt with respect to the real authors of the first destruction of the Red River Settlement.—The rest of the letter does not relate to the Colony, but it illustrates so clearly the violent and illegal manner in which the Company systematically conducts itself against all rivals in trade, that I beg to read it to the House.—“ We have still another formidable opposition coming straight to Athabasca from Montreal, headed by Messrs. Clarke, Robertson, and Decoigne, and one hundred Canadians; they are all well stored with whole pieces. This destruction of the Colony will frustrate their plans a great deal, as they will be deprived of assistance with regard to provisions. Plans have been devised how to stop their progress by our proprietors, but no decisive measures have been taken; but there certainly will be some executed by main force. All the proprietors are here assembled, with Messrs. Mackenzie and Frazer. Mr. Keith and Co. are a head. As those fellows are pretty desperate who are to oppose us, it is very likely to think that some serious consequences will take place.”

The next letter which I beg leave to notice, is from a Mr. Robert Henry, another partner of the North-West Company, addressed to his uncle, and dated from their principal trading post Fort William, 3rd June, 1816. This date, it will be observed, is about a fortnight previous to the attack upon the Settlement, and the writer describes the preparation made for the attack. After mentioning that “ we have sent off an express to Fond du Lac, to raise

" the Indians, and meet us at Red River ; and we  
 " also take some of the Lac la Pluie Indians," he  
 proceeds,—“ We start to-morrow for Red River,  
 " about fifty men and gentlemen. I would not be  
 " surprised if some of us should leave our bones  
 " there. In case it may be my fate, is my reason for  
 " writing you at present. I am very much afraid it  
 " will be a serious business, but must hope for the  
 " best. I expect William will come out ; in which  
 " case he will certainly go down ; and should I  
 " return from Red River safe, I feel myself much  
 " inclined to leave this rascally country for ever.”

This gentleman and his party, it seems, did not  
 arrive in time for the attack upon the Settlement ;  
 he has however recorded the particular part of the  
 duty, that was to be performed by him, in a dispatch  
 dated Fort William, 22d July, 1816, in which he  
 says,—“ I wrote you when I left this for Red River.  
 " Nothing of importance occurred on our way there.  
 " We arrived at that place, the 22nd of June, and,  
 " thank God, three days after the battle with the  
 " half-breeds, and Hudson's bay people.” He after-  
 wards expresses himself thus: “ I thank Provi-  
 " dence that the battle was over before we got there,  
 " as it was our intention to storm the fort. Our  
 " party consisted of about one hundred men, seventy  
 " fire-arms, and two field-pieces.”—Much as we  
 have reason to deplore the loss of lives that happened  
 on the 19th of June, we ought to rejoice that the  
 affair was over before Mr. Henry and his party  
 arrived, as the storming the wooden fort with such a

force, and such arms, might have occasioned still greater slaughter.

The only other letter which I shall notice is one from Mr. Archibald M'Lellan, also a partner of the North-West Company, addressed to a Mr. M'Tavish, another partner, dated Bas de la Rivière, 20th July, 1816. "Although I sit down to write these few  
" lines, you must not expect from me a full account  
" of all the ups and downs that have taken place in  
" the North-West since last fall. If his Lordship  
" was furious at the dispersion of his Colony last  
" spring, what must his feelings be, when he gets a  
" full account of this last campaign. I believe we  
" have given a strong pull already, and, if his Lord-  
" ship or his associates are any way stubborn, that a  
" pull altogether is very easily done."

I may now appeal to the House, whether I am not borne out, as to the character of the proceedings on the 19th of June.—Let us now see what measures were taken to bring the perpetrators of such atrocities to trial and punishment.—But, before I proceed to this part of the subject, I must notice shortly what became of the remaining settlers, after the massacre of Governor Semple and his party. Their lives were spared upon two conditions, 1st, That they should surrender all the property belonging to Lord Selkirk, and the Hudson's Bay Company;—and 2dly, That they should solemnly promise never to return to the Settlement.—They were then ordered to depart, and immediately the houses, crops, and cattle of the Settlement were totally destroyed.

The petitioner, Mr. Pritchard, had not the good fortune to be permitted to depart with the rest. He was separated from his wife at a time she most stood in need of his protection, and he has never seen her since; he was seized under pretence of his being necessary as a witness at Montreal, but was afterwards detained as a prisoner without any charge against him, and carried down to Fort William, where he was kept in confinement till liberated by Lord Selkirk.

It may be necessary here to mention, that, in the summer of the year 1816, Lord Selkirk set out from Montreal to join the Colony with a number of disbanded soldiers of the regiments of De Meuron and Watteville, who had entered into contracts for land, and were going up to become settlers at Red River. He intended to go by the nearest route along the South shore of Lake Superior, and had dispatched a messenger with directions to have provisions and boats sent from the Settlement to meet him in that direction. But he had scarcely reached the entrance of Lake Superior, when he received the melancholy intelligence of the second destruction of the Settlement. He was, at the same time, informed that the petitioner and some others of the colonists were detained as prisoners at Fort William, to which place a considerable part of his Lordship's property had been carried by the North-West Company from the Settlement. It being now impossible for him to proceed to the Red River by the route he intended, and unwilling to return to Montreal without making

some inquiry into the truth of the intelligence he had received,—wishing also to learn the fate of the colonists who survived the massacre,—he determined to go to Fort William. He accordingly proceeded thither, and released the petitioner and others; and took possession of that post, where, among other important documents, were found those letters from which the quotations have been submitted to the notice of the House.

I know that his Lordship's conduct in seizing upon, and keeping possession of that post during the winter of 1816-17 has been much blamed by his opponents. Were this the proper time and place, I could have no difficulty in defending all he has done there; but, in truth, his proceedings in that quarter cannot possibly have any relation to the subject of the destruction of the Colony, and the murder of the colonists,—events which happened at a great distance, both in point of time, and space. It may also be mentioned that his conduct at Fort William has been made the subject of judicial investigation, which renders any discussion of it here improper, and I am determined that no provocation will induce me to enter upon the subject in this place.

In the spring of 1817, as soon as the waters were clear of ice, Lord Selkirk proceeded, with his party, to Red River, and re-established the Settlement, to which most of the settlers, who had been driven away the year preceding, returned with their families.



Let us now see what judicial proceedings have been instituted in America against those who were most active in destroying the Settlement, and murdering the settlers.—If ever there was a case which required speedy justice this was that case,—not only on account of the enormity of the offences, but because there was great reason to apprehend a repetition of them. Notwithstanding this there have occurred the most extraordinary and culpable delays. Although bills of indictment had been found against no fewer than forty or fifty partners, clerks and servants of the North-West Company, for murder, robbery, arson, and other capital crimes, not more than eight or nine cases had been brought to trial when the last accounts left America,—and these were against persons the least guilty, who were, or at least ought only to have been, charged as accessaries.—Not one of those who are known to have taken the lead as principals in these atrocities, have been put on their trial, and in all probability never will be tried, until the witnesses, who can prove their guilt, are dispersed, or not to be found, and when acquittal will be the necessary consequence of trial.—Let it also be remembered that, during this long delay, Lord Selkirk was personally at the expense of these prosecutions. The witnesses were brought upwards of two thousand miles from the interior, and detained in Canada for years, waiting the pleasure of the counsel for the Crown, who have put off the trials, and brought them on, as suited their convenience, refusing to defray any part of the expense of the prosecutions.

Connected with this heavy complaint of delay is another, not less injurious, namely, the removals of the trials from one Court to another, and even from one Province to another,—a proceeding which, independent of the delay which has been thereby occasioned, was calculated to defeat the ends of justice.—It is necessary to observe, that all prosecutions for offences committed in the Indian territory may be tried,—under the provisions of an Act of Parliament,—in the Courts of Lower Canada, or, under certain circumstances, in the Courts of the Upper Province. Under this act, prosecutions were commenced at Montreal, the witnesses having been brought thither by Lord Selkirk at a great expense, and yet the House will be astonished to learn that not one single trial has been permitted to proceed at that place against the numerous parties against whom bills of indictment for capital offences had been found by the Grand Jury of that district. Some of these cases were unnecessarily removed to Quebec in another district, two hundred miles below, and others to York, in another province, six hundred miles above, Montreal; while the same witnesses were required at both places, necessarily occasioning enormous expense and delay. These removals, like the postponements of the trials, were resolved upon, and carried into effect, without Lord Selkirk's counsel being permitted to state their objections to the measure, and were persevered in against his solemn protests and entreaty. Montreal, the largest town in the Canadas, and the most respectable not only for the number, but also for the wealth and independence of

its inhabitants, was undoubtedly the fittest place for their trials. In one respect it was peculiarly so : its inhabitants, at least the most respectable part of the community, from among whom the juries would be chosen, generally understood the English and French languages equally well, and among the witnesses to be examined there were many who could speak only the latter language. If either of the parties had a good ground for removing the trials from Montreal where the bills had been found, it could only be Lord Selkirk and his colonists. They might have urged, —with some shew of reason at least,—that Montreal being the principal seat of the trade of the North-West Company, and the residence of some of their most wealthy and powerful partners intimately connected with the judges and other persons of influence in the place, was not the proper district in which these cases should be brought forward. But it was with the North-West Company themselves that the objection to Montreal originated : and the principal reason, or rather pretence, for removing the trials from that place was, that the parties, *viz.* the partners, clerks and servants of that Company, who had been indicted, could not be expected to find in Montreal an impartial jury.—If this had been true,—which all Montreal knows to be false,—the trials ought to have been sent to Quebec, the next place in point of population and consequence in the province ; but this would not have suited the purpose of those who officially conducted the prosecutions. Two cases only were tried at Quebec, one of which was

for a murder, charged to have been committed by a clerk of the North-West Company, and of which he was convicted : the rest were sent to York, in Upper Canada, which though the seat of Government, contains little more than a tenth part of the inhabitants of Montreal. Lord Selkirk very properly objected to the trials taking place at York, stating among other reasons, that they could not proceed without the aid of interpreters, as the French language, in which alone some of the witnesses could be examined, was not generally understood in the upper, as in the lower, province. But his objections were disregarded. Every one who has had occasion to question a witness in a foreign language, must be well aware of the disadvantage of examining a reluctant one by means of an interpreter.—It is not to be wondered at therefore that the few, and, comparatively speaking, unimportant trials that have taken place at York, have ended in acquittal.

But these are not the only objections to the criminal proceedings in Canada. The counsel for the Crown in that Colony assume it as a right to carry on all these trials as they think proper, to the entire exclusion of the counsel of the private prosecutor, who were not permitted to put a single question to a witness. Although Lord Selkirk was at the whole expense of bringing forward the witnesses—although he is deeply interested in the fair prosecution of the trials,—and is looked to by Government as responsible for establishing the truth of the charges he has brought forward against the North-

West Company, he is not permitted to have the slightest control in the management of these trials, or his counsel allowed to cross-examine the witnesses. So strongly did he feel the injustice of this conduct, on the part of the Law Officers of the Crown, that he applied to the Governor-General for redress. I beg to read the answer of Sir John Sherbrooke to this request, because the refusal of these Law Officers to admit Lord Selkirk's counsel to an effectual participation in conducting the trials is so extraordinary,—so contrary to the practice in this country—as scarcely to be believed. He writes, “As hitherto all Crown prosecutions in Canada have been conducted by the Crown Officers, and as they are held responsible for the mode of carrying them on,—they cannot allow your Lordship's legal advisers to take a part in the conducting the prosecutions, or in examination of witnesses, unless they receive my positive instructions to that effect, which instructions, as tending to divest them of a responsibility, which they acknowledge properly to belong to them, I cannot, as I have already stated, feel justified in giving to them without their desire.”

I do not say that the counsel for the Crown in that country wilfully misconducted the trials, but I believe that owing to the variety of business they have to attend to during the short period of the criminal sessions, they were unable to make themselves masters of the cases, and were certainly not so well qualified to conduct them as Lord Selkirk's counsel, who had been acquainted, from the

beginning, with every circumstance relating to them, —the cases having for a very long period occupied much of their time and attention. The refusal of the assistance of able counsel in such circumstances was, in my opinion, extremely improper, and could not fail to excite in the minds of his Majesty's Canadian subjects, suspicions as to the manner in which the trials have been conducted.

There is another matter in the conduct of these prosecutions which evidently requires explanation. I allude to the permitting all the most notorious criminals to be admitted to bail, the consequence of which has been, that not one of them could be brought to trial. The House will scarcely believe that many, against whom various bills of indictment had been found for murder, robbery, arson, and other crimes, have been allowed to get out of prison upon entering into small recognizances. This, among others, has been the case with respect to Cuthbert Grant, Peter Pangman, Seraphim Lamar, and Joseph Cadotte. The first of these is the clerk of the North-West Company, who headed the parties that destroyed the Settlement in 1815 and 1816, and was guilty of all the atrocities which have been mentioned. The evidence against him was clear and decisive. Yet these men were set at liberty, and have been carried back in the canoes of the North-West Company in triumph to the interior, and to the neighbourhood of the Red River, where they are ready to obey the commands of their masters in any other attack that may be made on the Colony;

thereby exhibiting a practical proof of the truth of that infamous doctrine, so successfully instilled into these half-breed servants, viz. that the North-West Company have influence enough with Government to screen their servants from the effects of any crime which they may commit in their master's service. It is easy to see how much this must operate against the security of the Colony, and how injurious it must prove to its growth and prosperity.

There is still another case connected with this part of the subject which I must notice:—I mean the case of George Campbell. This man was one of the first settlers, whom the North-West Company induced to desert from the Settlement, by giving him £.100, besides other valuable considerations. To shew his zeal for his new masters, he took a most active part in the destruction of the Settlement in 1815. Having been some time afterwards apprehended by Lord Selkirk, bills of indictment were found against him, by the Grand Juries at Montreal, for robbery, arson, and maliciously shooting at the settlers.—His case was thought too bad to admit of his being bailed, but another device was adopted by his friends, which answered the same purpose. He pretended to be sick, and that it was necessary to remove him to the hospital. No certificate to that effect was obtained, or even applied for, from the regular surgeon of the prison, because it was known he would not have granted it; but recourse was had to another medical gentleman, a friend of the North-West Company, in consequence of which two of the judges at Montreal,

Mr. Ogden and Mr. Reid, proceeded to the gaol, and signed an order for Campbell's liberation: he was accordingly taken to the hospital,—no measures of precaution were adopted to prevent his escape, and the House will probably anticipate the result, that the purpose of this device was accomplished by Campbell making his escape. So well was the contrivance managed that he had disappeared several days before the circumstance was made known. I am informed that it was illegal in these judges to interfere, as they did, during the vacation of the court; and that the Chief-Justice, who was at that time residing at his house within a few miles of Montreal, was the only proper person to have ordered the liberation of the prisoner, had he thought it proper. At all events it was surely most indelicate in these two judges to interfere, when they must have recollected that, a short time before, they had publicly stated, that, on account of their near connection with some of the partners of the North-West Company, they declined to sit on the bench while certain trials, then expected to be brought forward, were proceeded in, by which refusal, the Court was, from want of a quorum, broken up, and the trials necessarily postponed, at a time when it was the anxious wish, and interest of that Company, that they should not come on. The illegality of the mode by which Campbell was liberated, seems to have struck the judges, or their friends; and to remedy it, or rather to prevent its being known, a writ of Habeas Corpus, bearing date before Campbell's discharge from prison,



and signed by the Chief-Justice, was brought by a King's Counsel employed by the North-West Company, and presented to the gaoler, with a request that he would deliver up the order for liberation granted by the two judges, and antedate his own return to the writ of Habeas Corpus. But this the gaoler refused to comply with.

But if these proceedings, connected with the prosecutions against those who destroyed the Colony, are objectionable, and demand an investigation, those against Lord Selkirk, and his colonists, are still more so.—The House will scarcely believe, that because in the feeble resistance Mr. Semple and his party were enabled to make to the attack in the year 1816, one of the half-breed servants of the North-West Company was killed, the petitioner has had two successive bills of indictment preferred against him on the charge of murder.—I need not add, that the bills were thrown out by the Grand Jury.

The petitioner was next indicted—along with Lord Selkirk, and a number of settlers and others,—for a conspiracy to ruin the trade of the North-West Company. This charge was founded on the proceedings of Lord Selkirk at Fort William, but as the petitioner had been carried to, and detained at, that place, by the North-West Company, against his will, it is obvious that the reason for including him in the indictment, was merely to prevent his being a witness for Lord Selkirk. It is not however the act of indicting him I complain of, but the illegal means resorted to for carrying on the prosecution.

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The indictment was necessarily preferred before the Grand Jury of Sandwich in Upper Canada, that being the circuit town of the district within which the offence was alleged to have been committed. When the Court of Assize met, the Attorney-General of the province claimed it as a matter of right that he should attend the Grand Jury to marshal and examine the witnesses. The Jury objected, but the Chief-Justice, Mr. Powell, decided that it was the privilege of the Attorney-General to attend the Grand Jury. He was accordingly closeted with them for three days. The Jury afterwards took several days to deliberate,—the evidence being long and intricate;—and at length, while they were waiting the arrival of one or two of their number, who lived at a considerable distance, and when it was generally believed that the bill was to be thrown out, the Chief-Justice suddenly adjourned the Court, *sine die*, and thereby put an end to the powers of the Grand Jury, without even discharging them in the usual legal manner from their duties. This proceeding was followed by another still more extraordinary. A bill was immediately brought in, and passed through the Colonial Legislature of Upper Canada, the effect of which was to enable the prosecutors to bring this case for trial at York, in another district, where it was expected a Grand Jury might be found which would prove more compliant than that which had been summoned at Sandwich.—According to my information a true bill was found at that place, and proceedings are now carrying on, against the peti-

tioner and others, in consequence of that act of the Colonial Legislature.

It is evident that these proceedings require investigation. Has the Attorney-General in this country ever laid claim to the dangerous and unconstitutional privilege of being admitted to the Grand Jury room for the purpose of examining the witnesses upon indictments laid before them? I believe he has no such right: Such claim, I conceive, would not be tolerated in this country,—yet the criminal law of Canada is avowedly the same as that of England. But if the Attorney-General had been legally possessed of such an unusual privilege, it must be allowed that it is a power which ought to be exercised with the utmost impartiality:—Now mark the difference of the conduct of the Law Officers of the Crown in Canada, when prosecutions are directed against the Red River colonists, and against the North-West Company.

An indictment for a conspiracy to destroy the Settlement on Red River had been preferred, and found, at Montreal, against a number of partners and clerks of that Company. In this case, although the mass of evidence laid before the Grand Jury was very considerable,—the witnesses to be examined numerous,—and not fewer than twenty partners of the North-West Company among the persons accused, yet the Grand Jury did not require the aid of any Attorney-General, nor did he lay claim to the right of attending them, and examining the evidence.

Why, may I ask, has the conduct of Law Officers of the Crown been so different in cases so precisely

similar ;—or what inference is to be drawn from such conduct ?—no other surely than that which is invariably admitted throughout Canada—viz. that the Crown counsel were anxious for a conviction in the one case, and an acquittal in the other.

Now, Sir, I beg to put a question to the Secretary for the Colonial Department. Are these proceedings in conformity with the instructions sent out from that Office ? I have good reason to believe that detailed instructions have been sent out from this country ; and I cannot easily suppose that the Provincial Government of Canada would presume to deviate from them. I will state to the House my reasons for believing that such instructions have been sent out. During some proceedings at Montreal, the Attorney-General delivered by mistake to Lord Selkirk (among a parcel of papers) a document, in the hand-writing of the Advocate-General of the province, purporting to be an extract of a dispatch from the Colonial Department, dated 17th February, 1817, which not only directed a prosecution to be instituted against Lord Selkirk, for an alleged resistance to legal process, but conveyed the most minute instructions how he was to be apprehended,—how he was to be followed up if he had gone to the Red River,—how the Canada Jurisdiction Act was to be made applicable to his case ;—and, above all, special care was enjoined that no mistake should occur so as to enable his Lordship to escape. I shall not stop to inquire, at this time, whether the Government was justified in sending out such instructions. Another opportunity will be taken

for that inquiry. The propriety or impropriety of the measure must depend upon the nature of the information Government received, and the channel through which such information was conveyed. I am of opinion that Government was not justified in sending out such instructions, and so thought the Grand Jury at Sandwich, who, without hesitation, threw out the bill of indictment preferred against Lord Selkirk in consequence of these instructions. At present however, I shall admit that it was right to order this prosecution. Resistance to legal process is an offence which requires to be punished, and particularly if committed by a person of Lord Selkirk's rank and influence. But having made this admission, I may be permitted to remark, that resistance to legal process is, with all its aggravations, a trivial offence when compared with the robberies and murders which were perpetrated at Red River: and when we observe the Government here to have been so minute in their instructions as to the lesser offence, are we to presume,—is it fair towards the Government to presume—that with regard to the more heinous offences they were altogether silent and indifferent? I cannot form any such conclusion; I believe that they have also sent directions as to these prosecutions, and that their directions have been followed,—a circumstance which so connects the Government here with all the extraordinary proceedings which I have detailed, that I am justified in calling for the production of those instructions, in order that the country may be satisfied upon this important subject. I feel

myself standing on ground so strong,—I feel it so impossible to resist this inquiry,—that I shall not detain the House longer upon it, but content myself with reading the first motion I mean to make, *viz.*

“ Copies of all Official Communications between the  
 “ Secretary of State for the Colonial Depart-  
 “ ment and the Provincial Government of Upper  
 “ or Lower Canada, respecting the destruction  
 “ of the Settlement on Red River, and respecting  
 “ any legal proceedings thereon in the Courts  
 “ of Upper or Lower Canada.”

There are also other papers necessary to be produced. It is evident that the disturbances on the Red River have been, in a great measure, owing to the disputed right of property and jurisdiction at that Settlement. The North-West Company deny Lord Selkirk's right to the property which he has acquired from the Hudson's Bay Company. They likewise deny the jurisdiction claimed by that Company under their Charter, and have repeatedly and publicly declared they will pay no respect to either. Lord Selkirk, and the Hudson's Bay Company have, each of them for their respective interests, made frequent and anxious applications to the Colonial Department, requesting that the necessary steps might be taken, to have these disputed rights determined, either in some degree by the clear and distinct opinions of the Law Officers of the Crown in this country, or, what would be more satisfactory, by a formal decision of the King in Council.—In support of these requests, and

as a reason for them, they stated that, according to the best legal opinions, neither of them had it in their power to bring the subject before a competent Court in this country for adjudication, nor were they entitled to bring it before the King and Council so as to compel a decision. These parties were not the only ones who applied to the same purpose.—The Agents of the North-West Company in London,—I mean the respectable houses of M<sup>r</sup> Tavish, Frazer, & Co., and Inglis, Ellice, & Co., addressed a letter to the Colonial Department, urging the necessity of having these disputed claims adjusted. I beg to quote part of their letter :—“ We do not venture to suggest the remedy which it may be in their power, or appear eligible to his Majesty’s Government to provide in this case ; but we are certain if some measure is not adopted to define without delay, the limits, power, and authority of the Hudson’s Bay Company, a contest will ensue in the interior, the result of which will be dreadful both with respect to loss of lives and property.”

It is melancholy to reflect that the lives of Mr. Semple and his party might have been saved if the warning contained in this letter had been properly attended to by the Colonial Department.—That letter, however, may have had some effect, because it appears that the Hudson’s Bay Company received a communication (dated 12th April, 1816) from Mr. Goulburn, in which he writes—“ I am directed to acquaint you that so long as a prospect was afforded of bringing the disputes of the Hudson’s

“ Bay, and North-West Companies, to a judicial de-  
 “ cision, by the trial of Mr. Macdonell before the  
 “ regular tribunals of Canada, Lord Bathurst was  
 “ unwilling to exercise any interference which might  
 “ have the effect of prejudging the question at issue.  
 “ —But as it subsequently appeared, that there were  
 “ legal objections to the mode of proceeding adopted  
 “ against Mr. Macdonell, which precluded all hope  
 “ of investigating, in that manner, the real rights of  
 “ the Hudson’s Bay Company, Lord Bathurst thought  
 “ it incumbent on him to take other steps, with a  
 “ view to prevent those dangerous consequences with  
 “ which his Majesty’s dominions in North America  
 “ were threatened, in consequence of the pretensions  
 “ advanced by the Hudson’s Bay Company, and the  
 “ resistance given to them by the agents of the  
 “ North-West Company. His Lordship has there-  
 “ fore, as a preliminary measure, and with a view to  
 “ ascertain the extent of jurisdiction which the Hud-  
 “ son’s Bay Company can legally claim under their  
 “ Charter, referred the case to the consideration of  
 “ his Majesty’s Law servants. As soon as their re-  
 “ port shall be received, a communication of Lord  
 “ Bathurst’s views on the subject will be made to  
 “ you.”—The House will scarcely believe that, to  
 this hour, his Lordship has made no communication  
 of his views.—It does not even appear whether the  
 Law servants of the Crown have ever given any opi-  
 nion on the subject, or, if they have, what the import  
 of that opinion was.—I therefore think it my duty  
 to move, in the second place, for the production of—



“ Copies of any Opinions obtained from the Law  
 “ Officers of the Crown respecting the rights of  
 “ jurisdiction and property vested in the Hud-  
 “ son’s Bay Company by their Charter ; together  
 “ with the Cases on which such Opinions were  
 “ grounded.”

In order to ascertain the causes of those outrages which had occurred in the interior of British North America, and to discover the persons who were guilty of them, a Commission of Special Inquiry was some-time ago appointed, and two gentlemen nominated as Commissioners by the Provincial Governor of Lower Canada.—This measure every one must approve : I have only to regret that the Governor had not been more fortunate in the choice of the Commissioners.—I have strong objections to state to their proceedings, but shall defer any thing on that subject till it be seen what it is they have reported.—I beg leave therefore to move for

“ Copies of any Reports made by W. B. Coltman  
 “ and J. Fletcher, Esquires, Commissioners of  
 “ Special Inquiry appointed by the Governor  
 “ in Chief of Canada, to inquire into the dis-  
 “ turbances in the Indian Territories of British  
 “ North America, with the Instructions given  
 “ for the guidance of the said Commissioners.”

The only other document I intend to move for is a Copy of the late Act of the Colonial Legislature, which altered the jurisdiction of Upper Canada, and

thereby enabled the Law Officers of the Crown to remove the trial of Lord Selkirk and his settlers for a conspiracy, from Sandwich in the Western District, to York in the Home District of that Province. The Grand Jury would not be persuaded to find a true bill in the former district (that in which the alleged offence was properly cognizable) and the prosecutors therefore obtained this Colonial Act for the purpose of having new indictments prepared in the other district which, before the passing of it, had not the jurisdiction. This Colonial Law was immediately acted upon, and the petitioner, as well as eighteen other persons, indicted under it. Although I deem it advisable to move for a copy of this Act, I have little hopes of getting it, as I know that, but a short time ago, it had not been received at the Colonial Office, although copies of it have been in town for six months past. I trust it will be explained why an Act of so much importance has been passed and acted upon, without obtaining the previous approbation of his Majesty.—It is well known that, among one of the instructions given to Governors of Colonies where there exist Provincial Legislatures, is, that no bill of an unusual and extraordinary nature be assented to, (by the Governor) unless a draught of the bill be previously transmitted to England for the Royal approbation, or a clause inserted in the Act itself, suspending its operation till his Majesty's pleasure shall be known upon it.—The bill I allude to is either one of an unusual and extraordinary nature, or it is not.—If it be so, why has it been passed and acted on

without being approved at home;—If it be not, (and I presume it is so considered in Upper Canada, otherwise it would have contained the suspending clause,) what are we to think of the justice of that country, where an Act, totally altering the local jurisdictions long established by law—and containing in it a retrospective enactment as to alleged offences, is considered as a matter of usual and ordinary occurrence! —I beg leave to conclude by moving for

“ A Copy of an Act of the Provincial Legislature of  
 “ Upper Canada, intituled, ‘ An Act to au-  
 “ ‘ thorise the Inquiry and Trial of Crimes and  
 “ ‘ Offences committed within the Province,  
 “ ‘ without the Limits of any described Town-  
 “ ‘ ship or County, to be had in any District  
 “ ‘ thereof.’ ”

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To the Honorable the Commons of the United  
Kingdom of Great Britain and Ireland,  
in Parliament assembled.

*The humble Petition of JOHN PRITCHARD, of  
the Red River Settlement, in British America,*

SHEWETH,

THAT your petitioner, having resided thirteen years in the interior of British North America, and being well acquainted with the nature of the soil and climate of the country adjoining the Red River, was desirous, in the year 1814, to settle in the Colony of British Emigrants newly established at that place by the Earl of Selkirk. The legal opinions of the late Sir Samuel Romilly, and of several others of the most eminent Lawyers in England, were shewn to your petitioner, by which he was satisfied of the validity of the Charter of the Hudson's Bay Company, within whose territory the Red River district is situated, and of the grant which that Company had made of part of their lands to Lord Selkirk for the purpose of cultivation and settlement. He, accordingly, applied for an allotment of land, and was put in possession, in the spring of the year 1815, of a house and farm, which he immediately began to cultivate.

That in the course of the months of May and June, various attacks were made upon your petitioner and the other settlers, by partners, clerks, and servants belonging to an association of fur traders from Canada, calling themselves The North-West Company of Montreal. That

neither your petitioner, nor, as he believes, any of the other settlers, had interfered with the mercantile affairs of that Company; nor could Lord Selkirk, or those who held lands under him, carry on any concerns of the fur trade without incurring the forfeiture of the lands so granted to them. The North-West Company, however, took every means in their power, by bribes and intimidation, to make the settlers abandon the Colony, and to induce the hired servants and labourers of the Settlement to break their contracts, and desert from the service of their employers. That some of the settlers were forcibly taken from their houses, and threatened with corporal punishment, if they would not go to Canada under the protection of the said Company; and others of them, while peaceably cultivating their lands, were seized, without any just cause or legal authority, and kept for a considerable time in confinement. Many of the farm-horses of the Settlement were killed, and the rest taken away by these people; the breeding cattle, which had been sent out from Europe by the Earl of Selkirk, were also taken, and the bull slaughtered and cut up in the presence of one of the partners of the Company; and when Lord Selkirk's bailiff went to inquire about the cattle which had been so taken away, he was shot at by one of the party, and saved himself by the fleetness of his horse. The same people frequently attacked with fire-arms your petitioner and the other settlers in their houses; in consequence of which, some of them were severely, and one of them (a clerk named Warren) was mortally wounded. That, previous to these aggressions, the Settlement had been plundered of a considerable portion of the arms which had been granted by Government for its protection, and which were forcibly taken away by several of the settlers who had been seduced by the said Company, some of whose partners and clerks assisted in carrying off the said arms.

That in consequence of these and other aggressions, your petitioner, and many of his fellow-settlers and their families, were at length driven away from their lands, their crops wantonly destroyed, and their houses, together with the mill and other public buildings, burnt to the ground.

That your petitioner, being thus driven off, proceeded, with the other settlers, down the Red River to Lake Winipic, under the friendly escort of a large band of Native Indians, headed by two of their principal chiefs, who had offered them a safe conveyance to the entrance of the Lake, at which place, on parting, they expressed their anxious wish that the settlers would return in sufficient force to secure a permanent residence among them.

That your petitioner and the others then proceeded to the North end of the Lake, between three and four hundred miles from the Settlement, uncertain whether they should be compelled to return to Europe, or what other course they should be obliged to pursue. They remained there till the end of August, when, having received some reinforcement, and being aware that the people by whom they had been attacked had then almost all left the neighbourhood of the Settlement, the settlers again returned to the Red River.

That in the ensuing spring, they were again greatly alarmed by reports that the clerks and half-breed servants of the North-West Company were assembling at a distance, in order to renew their attacks on the Settlement. That, as the spring advanced, these reports increased, and, upon the 17th of June, were confirmed by two Indians, who brought information that a strong party of that Company's people were then about two days' journey from the Settlement, advancing to attack it, having seized in their way a large quantity of provisions intended for the use of the settlers. Upon the 19th of June, an alarm was given

that a body of armed men on horseback was approaching. This being communicated to Governor Semple, who had recently arrived at Red River, he went out to see who these people were, and was followed by a large proportion of the persons then with him. Upon this he turned round, saying there was no necessity for so many accompanying him, and added, that twenty might follow him. He was immediately followed by twenty-seven persons, (among whom was your petitioner,) all armed; but your petitioner firmly believes that there was no intention on the part of Governor Semple, nor of those who were with him, to commit any act of hostility against the said party. For your petitioner knows that the settlers, for some time before, had been assured that in case any of them, when employed in the cultivation of their fields or in other labours, were molested, or likely to be attacked by the half-breeds, the Governor and a party would immediately go out to protect them.

That the Governor, and those who accompanied him, immediately proceeded along the road leading down the Settlement, and, on their way, were met by many of the settlers running towards them in great consternation. After they had proceeded some time, it was discovered that the body of horsemen was much more numerous than they at first appeared to be, having been in part concealed by a wood. That the said horsemen consisted of about seventy persons, with their faces hideously painted, and dressed in the manner of Indians going to war,—a dress which your petitioner had never known or heard of being adopted before by the half-breed or other servants of the North-West Company. That Governor Semple, upon perceiving their numbers, sent back two of his men for a small field-piece, in case of being attacked. That the horsemen however advanced, and, giving the war-cry, surrounded the Governor and his party, so as to prevent

the possibility of their return. In a few moments your petitioner and the others were fired at by the horsemen, in consequence of which twenty-one of them were immediately either killed or wounded.

That your petitioner was informed by one Cuthbert Grant, a clerk of the North-West Company, and the leader upon that occasion of their half-breed servants, that he had shot Governor Semple, who, when lying on the ground, told him he did not think he was mortally wounded; and that, if he was carried to his house, he thought he might live. That the said Grant left him in charge of one of the Company's Canadian servants, and that another of their party came up close to Mr. Semple, and shot him through the breast, while lying on the ground in a defenceless state. That the others who were wounded implored and begged for mercy; but they were all massacred, and their bodies stripped and mutilated in a manner too horrible for your petitioner to describe. Mr. White, the surgeon of the Settlement, while attempting to make his escape towards the river, was shot in the back, and afterwards dispatched by one of the half-breed servants of the Company, as the said servant informed your petitioner. Four men escaped by crossing the river, though shot at by their pursuers: one of them, while swimming across, was struck with a ball on the shoulder. Your petitioner, and Mr. Rogers, who had come out from England to the Settlement as a mineralogist, having thrown down their arms, implored for mercy; notwithstanding which, a clerk of the North-West Company, (a half-breed son of one of their retired partners,) being close to Mr. Rogers, deliberately shot him through the head, while he was begging his life; and another half-breed servant of the Company immediately ripped open his belly with a knife. That your petitioner was the only person of the whole party from the Settlement to whom



quarter was given; and his life was spared at the intercession of one of the Company's Canadian servants, with whom he had formerly been well acquainted.

That your petitioner was immediately afterwards taken to a place where these people had their encampment, and where he found in custody several of the settlers, (*viz.* three men, a woman, and two children,) who had been made prisoners before Governor Semple knew of the near approach of the half-breeds to the Settlement. That having been informed by the said Cuthbert Grant, their leader, that it was his determination to attack the settlers that night, your petitioner did every thing in his power to intercede in their behalf, and to obtain a promise that their lives should be spared. At length, Grant declared, that, if the settlers and others would deliver up to the North-West Company their arms, and all the property belonging to Lord Selkirk, as well as to the Hudson's Bay Company, and would quit the Settlement never to return, he would spare their lives, and allow them to depart. That an inventory was accordingly made of all the property so required, which was delivered to the said Cuthbert Grant, and for which he (Grant) gave receipts signed by himself as clerk to the North-West Company.

That three days afterwards, your petitioner and the other settlers were obliged to quit the Settlement, and proceed in their boats down the river. On the next morning, they were met by another party of about one hundred armed servants, and others of the North-West Company, under the command of Mr. Archibald Norman M'Leod, (an agent and partner of the Company,) who had come from Montreal, accompanied by many of his partners, for the purpose, as your petitioner was informed and believes, of assisting in the attacks against the Settlement; and for which, among other charges, a bill of indictment has been found against him by the Grand Jury at Montreal.

That the said Norman M'Leod, being a Magistrate for the Indian Territories, then examined your petitioner and others, touching the events that had recently taken place in Red River; after which some of the persons belonging to the Settlement were charged criminally, and others served with subpœnas to appear against the persons so charged, —but both the accused and the witnesses were detained as prisoners, and put together under close and rigorous confinement. The other settlers, in number about two hundred, though in great want of provisions, were detained by Mr. M'Leod two days, consuming the little portion of food they possessed; after which they were allowed to pursue their journey towards the coast of Hudson's Bay (a distance of between six and seven hundred miles), without any additional supply being given them. That your petitioner, after having been plundered of his papers by M'Leod, and served with a subpœna to appear in a trial at Montreal, upwards of two thousand miles off, was put into strict confinement, although no charge of any description was brought against him; and being separated from his wife and family, at a time when they stood so much in need of his protection, he was conveyed a prisoner to Fort William, a trading-post of the North-West Company, about seven or eight hundred miles off, and there rigorously confined without any accusation whatever being exhibited against him. Upon the arrival of the Earl of Selkirk at that place, about the 12th of August, his Lordship wrote a letter to Mr. William M'Gillivray (the principal partner and agent of the North-West Company, who was then at Fort William), to know why your petitioner, as well as several other persons from the Settlement, were detained, —in consequence of which letter your petitioner was liberated.

That as soon as your petitioner was released, he was examined by the Earl of Selkirk, as a Magistrate, with re-

spect to what had taken place in Red River during the two last years, and after having fully detailed the circumstances that had come to his knowledge, your petitioner was subsequently requested by his Lordship to go to York Factory in Hudson's Bay, for the purpose of inquiring what had become of the settlers who had been driven from Red River, and also to carry into the interior a Proclamation of the Governor-in-Chief, Sir John Sherbrooke, commanding all persons to keep the peace. Your petitioner, however, when he got to Lake la Pluie, was waylaid and assaulted in the night time by two clerks and an armed party of the North-West Company, who took him to the person in charge of their trading post near that place, by whom he was told that he had been so seized by his directions. Your petitioner was afterwards detained in custody about twelve hours, and from the expressions made use of he was apprehensive that, if he proceeded in his journey, he would be assassinated;—and he is the more convinced that such apprehension was well founded, because it appears that Mr. Owen Keveney (who had been stopped when proceeding from Hudson's Bay to Red River with some breeding cattle for the use of the Settlement) was murdered by a clerk of the North-West Company only two days before, at a place not far distant from where your petitioner then was, and along which he must have passed had he proceeded in his route in search of the settlers.

That your petitioner therefore returned to Fort William, from whence he soon afterwards went to Montreal in Lower Canada, at which place he arrived in the month of December 1816. That in consequence of the before-mentioned subpoena, and others of a similar nature, subsequently served upon him at various times at the suit of the Crown, your petitioner was detained in Canada for almost two years, without having it in his power to return to his family, or any allowance whatever being made him

for his expenses as a witness for the Crown, although he applied both to the Attorney-General of Lower and Upper Canada for that purpose. That at length he was advised to come to England, for the purpose of obtaining redress if possible, and ascertaining if any protection would be granted to him and the other settlers.

That while your petitioner was so detained in Canada, numerous prosecutions were instituted on the part of the Hudson's Bay Company, and of the Earl of Selkirk, against partners, clerks, and servants of the North-West Company, for crimes connected with the successive destructions of the Red River Settlement. That bills of indictment were found by Grand Juries against many of these persons for murder, robbery, arson, maliciously shooting at the settlers, and for a conspiracy to destroy the Red River Settlement. That scarcely any of the persons so indicted,—and none of the principal ones,—have been tried; nor, as your petitioner believes, will, without special orders, be tried in Canada, under such indictments, and that many of the most atrocious of the offenders (such as Cuthbert Grant, Bostonois Pangman, and other clerks of the North-West Company, and leaders of the half-breeds,) who had been in custody for murder, and other capital offences, have been permitted to make their escape, and to return, without trial, to the neighbourhood of the Red River, being carried thither in the canoes of the North-West Company.

That your petitioner, when at Montreal, was informed and believes, that one George Campbell, who had been bribed to commit numerous unlawful acts of hostility against your petitioner and others at the Red River Settlement, (and against whom several indictments had been found by Grand Juries for robbery, arson, and maliciously shooting at the settlers,) was permitted to make his escape without trial, from the prison at Montreal, in consequence of the unlawful interference, as your petitioner is inform-

ed, of two of the Puisne Judges at that place, who took upon themselves improperly to discharge the said Campbell. And your petitioner is the more assured that such discharge was contrary to law, because, after the liberation, and subsequent escape of the said Campbell, a writ of Habeas Corpus, signed by the Chief-Justice of Montreal, and bearing date before his liberation, was presented to the keeper of the gaol by a King's Counsel, employed by the North-West Company, who requested the gaoler to give up the said order of discharge which had been signed and delivered by the two Puisne Judges, and to ante-date a return to the writ of Habeas Corpus so presented,—a request which was refused by the said gaoler, as he himself informed your petitioner.

That, in the prosecutions instituted in Canada by Lord Selkirk, and also by the Hudson's Bay Company, for criminal acts committed against their servants and the settlers, by partners and other persons belonging to the North-West Company, the Law Officers of the Crown, as your petitioner has been informed and believes, have refused to allow the counsel of the private prosecutors to interfere in the management of the trials, or to examine or cross-examine the witnesses. And that he further verily believes that, in consequence of such refusal, Archibald M'Lellan, a partner of the North-West Company, who stood indicted as accessory to the murder of Mr. Owen Keveney, was acquitted of the charge so brought against him.

That your petitioner has recently heard that a bill of indictment has been found against him at York, in Upper Canada, for wickedly and maliciously conspiring with others to destroy the trade of the North-West Company. That a bill of the same description, and for the same charge, had been laid before the Grand Jury at Sandwich, in the said province, on September last (when your petitioner

was on the spot, ready with his witnesses to confute the charge) at which time, in order that such bill might be found, the Attorney-General insisted upon going before the Grand Jury, to conduct the examination of the witnesses; stating that he had a right, as Attorney-General, so to do. That he accordingly went before the Grand Jury, and occupied three days in examining the witnesses for the prosecution. That after he had finished such examination, the Grand Jury deliberated two days more upon the bill; but, on the morning of the sixth, when it was generally believed in Sandwich that the bill was then to be thrown out, the Chief-Justice thought proper abruptly to break up the Court, and to put a total stop to the proceedings of the Grand Jury, thereby preventing them from having the power of formally throwing out the bill brought against your petitioner.

That immediately after these proceedings, a Colonial Act, altering and extending the jurisdiction of certain districts in Upper Canada, passed through the two Houses of Legislature of that Province during their last Session; which Act, although of an unusual and extraordinary nature, (and notwithstanding a similar one had been unanimously rejected by the House of Assembly the Session before) was assented to by the person administering the Government of the Province, without a clause being inserted therein (as required in such cases by the King's instructions, as your petitioner is informed) for suspending its operation until his Majesty's pleasure was known. That your petitioner is also informed and believes, that the said bill has never been sent to England by the person administering the Government of that Province, nor that his Majesty's sanction has been obtained thereto. That in consequence of the Act recently passed, and of the retrospective interpretation given to it (which interpretation, as your petitioner is further advised, is not borne out by

its enactments) another bill of indictment, for conspiring against the trade of the North-West Company (and exactly similar to that which was preferred, but not found, against him at Sandwich the year before) was recently laid before the Grand Jury at York. That the Grand Jury, in deliberating upon the said bill, were improperly induced to admit Mr. William M'Gillivray, the principal agent and partner of that Company, to attend them in the Grand Jury room, and to examine the witnesses for the prosecution, almost all of them his clerks and hired servants; in consequence of which, a true bill for a conspiracy has been found against your petitioner and nineteen other persons, most of them connected with, or belonging to the Red River Settlement, and many of whose names were inserted in the indictment for no purpose, as your petitioner lies, but to prevent them being called upon as witnesses.

That by all such vexatious and harassing proceedings, your petitioner and the said settlers have suffered great injustice and oppression: and he is moreover apprehensive that aggressions, similar to those which have already taken place, will be renewed against himself and his family, and against the other Red River settlers, most of whom have again returned to cultivate their lands at the Settlement. That in order to guard against the hostility, which there is but too much reason to apprehend from those of the North-West Company's partners and servants, who, having been indicted, have returned without trial into the interior, your petitioner humbly prays that the case may be taken into your favourable consideration, and that such measures be devised therein as may, in your wisdom and justice, appear best adapted to prevent those aggressions—the repetition of which must unavoidably drive your petitioner, and the other settlers, entirely to abandon the lands which they now occupy, and are cultivating, in British North

America; and compel them, by removing themselves and their families within the adjoining and newly-appointed boundary of the United States, to seek, from the American Government, that protection, which they have hitherto been unable to obtain against the unprincipled persecution of their fellow-subjects.

And your Petitioner, as in duty bound, will ever pray.

(Signed)

J. PRITCHARD.

*London, 7th June, 1819.*

*Read, and Ordered to be printed, 8th June, 1819.*